

**BEFORE THE  
COMMUNICATIONS  
WASHINGTON D.C. 20554**

In the Matter of )  
 )  
 Elimination of Main Studio Rule ) MB Docket No. 17-106  
 )

COMMENTS OF HOUSTON CHRISTIAN BROADCASTERS, INC.

Houston Christian Broadcasters, Inc. (HCBI), by its undersigned counsel hereby submits these comments in response to the Notice of Proposed Rule Making (FCC 17-59, released May 18, 2017) in the above captioned proceeding. HCBI fully supports the proposal to eliminate the Federal Communications Commission (Commission) rule that requires each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license.<sup>1</sup>

1. HCBI is the Commission licensee of a group of noncommercial, educational radio stations located throughout the United States. It's first radio station, KHCB-FM, Houston, Texas, began operation in 1962, and has continually operated since that date. HCBI has operated its stations in compliance with the "main studio rule" which was adopted nearly eighty (80) years ago, while also receiving main studio waivers to allow some of its stations to operate as satellites of other owned and operated stations.

2. When the main studio rule was originally conceived local access to the main studio

<sup>1</sup> 47 CFR § 73.1125(a)-(d).

was designed to facilitate input from community members as well as the station's participation in community activities.<sup>2</sup> The Commission subsequently held that a main studio must have a "meaningful management and staff presence" to fulfill the main studio's function<sup>3</sup>, which at a minimum requires "management and staff presence on a full-time basis during normal business hours."<sup>4</sup> In addition, the Commission implemented a program origination capability requirement<sup>5</sup> pursuant to which broadcasters are required under Commission precedent to "equip the main studio with production and transmission facilities" and to ensure that the main studio has "continuous program transmission capability."<sup>6</sup> All of these main studio requirements are outdated, anachronistic and a considerable unnecessary economic burden on broadcasters, particularly on noncommercial, educational broadcast stations such as HCBI's.

3. Today, as the Commission has noted, the widespread availability of electronic communication enables stations to participate in their communities of license, and members of the community to contact broadcast radio and television stations, without the physical presence of a local broadcast studio. In addition, because the Commission has adopted online public inspection file requirements for AM, FM, and television broadcast stations, community members

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<sup>2</sup> See, e.g., *Applications of the Tribune Company, Tampa, Florida, et al.*, 19 FCC 100, 148 (1954) ("The accessibility of the broadcast station's main studio may well determine in large part the extent to which the station (a) can participate and be an integral part of community activities, and (b) can enable members of the public to participate in live programs and present complaints or suggestions to the stations.").

<sup>3</sup> See *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Memorandum Opinion and Order, 3 FCC Rcd 5024, 5026, para. 24 (1988) (1988 *Main Studio and Program Origination Reconsideration Order*).

<sup>4</sup> *Application for Review of Jones Eastern of the Outer Banks, Inc. Licensee, Radio Station WRSF(FM) Columbia, North Carolina*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616, n.2 (1991).

<sup>5</sup> 1988 *Main Studio and Program Origination Reconsideration Order*, 3 FCC Rcd at 5026, para. 24.

<sup>6</sup> See *id.*; see also *University of San Francisco (Assignor) and Classical Public Radio Network LLC (Assignee), Application for Consent to Assignment of License Station KOSC(FM), San Francisco, CA*, Memorandum Opinion and Order, 30 FCC Rcd 10530, 10533-34, para. 6 (2015).

no longer need to visit a station's main studio to access its public inspection file. Simply stated, technological innovations have rendered a local studio unnecessary as a means for viewers and listeners to communicate with or access their local stations.

4. The Commission has given some relief from the main studio rule to noncommercial, educational broadcasters through a waiver policy. It has recognized the benefits of centralized operation for noncommercial, educational stations and has granted waivers to state and regional networks to operate satellite stations that do not meet the requirements of the main studio rule.<sup>7</sup> However, these waivers come with unduly burdensome requirements that the licensee maintain a local public inspection file in the community and establish a citizen's advisory board, made up of residents of the community of license. The board is required to meet annually with a management employee of the station to discuss the local issues of public concern facing the community and such meetings must be the subject of numerous announcements on the station to disclose the time and location of the meetings.

5. HCBI has been operating under these requirements for its noncommercial stations that have been granted main studio waivers for decades. HCBI's experience has been that it is almost impossible to find local residents who want to serve on these citizen advisory boards, and the annual meetings rarely attract any interest in the local community whatsoever. Should the Commission decide to terminate the requirements of the main studio rule, it must specifically also remove the requirements previously placed on noncommercial stations operating under these main studio waivers so it is clear these requirements are no long binding.

Wherefore, Houston Christian Broadcasters, Inc. respectfully supports the Commission proposal to eliminate the rule that requires each AM, FM, and television broadcast station

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<sup>7</sup> See, *Letter to Jeffrey D. Southmayd*, 8910-AJ, released March 15, 1996; and *Memorandum Opinion And Order*, in *MM Docket 86-406*, 3 FCC Rcd 5024 (1988).

(including noncommercial, educational stations) to maintain a main studio located in or near its community of license and eliminate the previous requirements placed on noncommercial, educational stations granted main studio waivers.

Respectfully submitted,

Houston Christian Broadcasters, Inc.

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By: \_\_\_\_\_  
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Its Attorney

Date: June 29, 2017